

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELDA SANTOLLO

v.

BEST BUY CO., INC.

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§
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§

CASE NO. 4:22-cv-01734

JURY

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT Defendant Best Buy Co., Inc. (hereinafter “Best Buy” or “Defendant”), while fully reserving all rights and defenses, files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division. Removal is proper under 28 U.S.C. §§1332 and 1441(a) because this is an action over which the United States District Court for the Southern District of Texas, Houston Division, has original diversity jurisdiction, as it is an action between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. In support of its Notice of Removal, Defendant respectfully would show as follows:

I. GROUNDS FOR REMOVAL

1. This case is removable to this Court based on diversity jurisdiction under 28 U.S.C. §§1332 and 1441(a).

2. Plaintiff Elda Santollo (hereinafter “Plaintiff”) is a citizen of and an individual residing in Harris County, Texas.¹

3. Defendant Best Buy Co., Inc. is a corporation organized and existing under the laws of the State of Minnesota. However, as set forth in Defendant’s Verified Denial and Original Answer, Defendant Best Buy Co., Inc. is not a proper party to this lawsuit.

4. As described more fully below, Plaintiff seeks to recover from the Defendant an

¹ See Plaintiff’s Original Petition attached hereto as Exhibit A, at Section II.

amount in excess of \$75,000.00, excluding interest and costs, in her state court action.

II. PENDING STATE SUIT

5. On or about April 26, 2022, Plaintiff filed a civil action against Defendant in Cause No. 2022-25075 styled *Elda Santollo v. Best Buy Co., Inc.* in the 129th Judicial District Court of Harris County, Texas.²

6. According to Plaintiff's Original Petition, she was injured at Defendant's store located at "20290 Katy Freeway, Katy, Texas."³

7. Plaintiff claims she "slipped and fell due to water accumulation" in the front of the store at issue, which purportedly caused her to be seriously injured.⁴

8. The name and address of the Court from which the case is being removed is:

129th Judicial District Court
Harris County Civil Courthouse
201 Caroline, 10th Floor
Houston, Texas 77002

III. STATE COURT DOCUMENTS

9. The following documents are attached to this Notice of Removal:

Exhibit A Plaintiff's Original Petition.

Exhibit B Notice of Service of Process.

Exhibit C Defendant's Verified Denial and Original Answer.

Exhibit D An index of matters being filed.

D-1 Copy of the state court Docket Sheet/Record.

D-2 Copy of Citation.

D-3 A list of all counsel of record, addresses, telephone numbers, and parties.

² See Exhibit A.

³ *Id.* at Section IV.

⁴ *Id.*

D-4 Civil Cover Sheet.

IV. TIMING OF REMOVAL

10. Defendant was served with Plaintiff's Original Petition on April 27, 2022.⁵ This Notice of Removal is being filed within 30 days of service of the Original Petition upon Defendant and is timely filed under 28 U.S.C. §1446(b).

V. JURISDICTION

11. Pursuant to 28 U.S.C. §1332, a defendant has a right to remove a case to federal court if the case involves a dispute between completely diverse parties and the amount in controversy, excluding interest and costs, exceeds \$75,000.00.

12. Plaintiff has asserted that she seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00.⁶ Based on the allegations in Plaintiff's Original Petition, this matter is removable to this Court under 28 U.S.C. §1332 because the amount in controversy, excluding interests and costs, exceeds \$75,000.00.

13. Plaintiff also alleges in her Original Petition that she is a citizen and resident of Texas.⁷

14. Defendant Best Buy Co., Inc. is a corporation organized and existing under the laws of the State of Minnesota. As stated above, Defendant Best Buy Co., Inc. is not a proper party to this lawsuit.

15. Accordingly, there exists complete diversity of citizenship between Plaintiff and Defendant under 28 U.S.C. §1332.

⁵ See Notice of Service of Process attached hereto as Exhibit B.

⁶ See Exhibit A, Section VI.

⁷ *Id.* at Section II.

VI. VENUE

16. Pursuant to 28 U.S.C. §1441(a), venue for this action is proper in the United States District Court for the Southern District of Texas, Houston Division, as it is the federal judicial district that encompasses the 129th Judicial District Court of Harris County, Texas, where the state action was originally filed.

VII. NOTICE TO ADVERSE PARTIES AND TO STATE COURT

17. As the removing party, Defendant will give Plaintiff prompt written notice of this Notice of Removal as required by 28 U.S.C. §1446(d).

18. Defendant will also file a copy of this Notice of Removal with the 129th Judicial District Court of Harris County, Texas, where the state court action is currently pending, as required by 28 U.S.C. §1446(d).

VIII. ANSWER

19. Defendant timely filed an answer in the state court action. By removing this action to this Court, Defendant does not waive any defenses, objections or motions available to it under state or federal law, and will timely file responsive pleadings to Plaintiff's Original Petition in this Court as well.

PRAYER

20. For these reasons and in conformity with 28 U.S.C. §1446, Defendant respectfully removes the civil action styled *Elda Santollo v. Best Buy Co., Inc.* and bearing Cause No. 2022-25075 on the docket of the 129th Judicial District Court of Harris County, Texas. Defendant prays for such other and further relief, both general and special, at law and in equity, to which it may show it is justly entitled.

Respectfully submitted by,

/s/ Adraon D. Greene

Adraon D. Greene

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 27TH day of May, 2022, a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants. I also certify that I have forwarded this filing by regular U.S. Mail, postage pre-paid, this same day to all non-CM/ECF participants.

Via E-Service: krushing@krushinglaw.com

Kraig L. Rushing

KRAIG L. RUSHING

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/s/ Adraon D. Greene

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